United Nations S/2004/910

Security Council

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18 November 2004
English
Original: French

Letter dated 16 November 2004 from the Permanent Representative of Ivory Coast to the United Nations addressed to the President of the Security Council

I have the honour to inform you about recent events in Côte d'Ivoire and to request you to submit the requests which they have prompted from the Government of Côte d'Ivoire to the Security Council for decision.

On Saturday 6 November 2004 an accident, with regard to which the circumstances have yet to be clarified and the responsibility determined, killed eight French soldiers from the Licorne force and one American civilian, well as injuring about 30 French soldiers from the same force.

The President of the Republic of Côte d'Ivoire and the Government and people of Côte d'Ivoire request you once again to convey condolences on their behalf to the French Government and the bereaved families, their best wishes for speedy recovery to the injured, and the assurances of their sympathy to the families of all the victims of the accident.

The memory of the deceased, the honour of the French survivors of this disaster and the honour of the defence and security forces of Côte d'Ivoire demand that the circumstances of the accident should be established objectively and responsibility for the accident determined on the same basis. The justice of any punishment for any acts of negligence which caused this painful event can be guaranteed only at that price.

Accordingly, the President of the Republic of Côte d'Ivoire and the Government and people of Côte d'Ivoire will be grateful to you for any measures which you may see fit to take for the prompt conduct of an independent international inquiry into the accident.

Despite the uncertainties of the situation and convinced of the responsibility of the defence and security forces of Côte d'Ivoire for the accident, members of the Licorne force, on the express instructions of the President of the French Republic, destroyed with weapons of war, on the ground at Yamoussoukro Airport five minutes after the accident, the two Ivorian military aircraft believed to have caused the accident.

They fired at the same time at another Ivorian aircraft which was landing at the same airport. This fire wounded the pilot and some civilians on board this aircraft. The aircraft sustained serious damage.

04-61533 (E) 191104 191104

In Abidjan, members of the Licorne force hacked to pieces four parked military aircraft of Côte d'Ivoire which had not engaged in any activity in the air on that day. They destroyed with rocket fire an inactive anti-aircraft battery and in so doing killed two Ivorian soldiers.

They even attacked two Grumman civilian command aircraft of the President of the Republic of Côte d'Ivoire, they too symbols of the sovereignty of my country, which had been loaned a few days earlier to some French politicians, members of the party in power, for an aborted attempt to extricate the two French journalists held hostage in Iraq.

These first acts of violence committed by France in Côte d'Ivoire have prompted the following observations from my Government:

1. These acts were designated as reprisals by the highest French authorities but were inspired, at the time, solely by the firm conviction of those authorities that the conditions for the exercise of their right of self-defence had already been met. That conviction was not yet justified either by irrefutable proof that the accident in question had been caused deliberately or by an impartial determination of responsibility for it. It bore the stamp of a priori prejudice. It was biased.

2. The acts were committed entirely independently by the Licorne force and were deliberately excessive, and they cannot be classified as support for the United Nations Operation in Côte d'Ivoire (UNOCI) or as intervention dictated by security conditions, both of which activities are prohibited for the Licorne force by Security Council resolution 1528 (2004). Such acts would be clearer and easier to understand if undertaken strictly within the mandate of UNOCI. That would entail placing the Licorne force under the operational command of UNOCI.

3. The non-French provenance of the equipment irreversibly destroyed suggests that the extreme savagery of these acts may have stemmed from an increasingly evident French prejudice. This prejudice would be significantly reduced, and even disappear, if the measure suggested above was put promptly into effect.

4. These acts constitute unfriendly attacks on the honour and sovereignty of a State enjoying the benefit of France's contribution to the restoration of its territorial integrity and they ought to prompt apologies from France and compensation for the damage which it caused.

When the news of these acts of destruction spread, some young men and women, civilians and unarmed, stormed into the streets to see what had happened in Abidjan and demonstrate their shock.

At Abidjan Airport and in Cocody, in particular on the esplanade of the Hôtel Ivoire requisitioned by France and adjacent to the residence of the head of State, supposedly warning shots fired by members of the Licorne force killed dozens of people and wounded hundreds more. The motive of protecting French nationals and foreigners, who in fact were not under threat in those places, was transformed into grounds for slaughtering peaceful demonstrators.

These deliberate killings, which had very little to do with the maintenance of order, are not part of the mandate established by the United Nations either. They must be the subject of an international inquiry, and I should be grateful if you would order and conduct it.

They also fuel the widespread conviction of the people of Côte d'Ivoire of France's biased approach to the resolution of the country's crisis and the feeling that the Licorne force cares little for the lives of young Ivorians.

The return of the Licorne force to its quarters and its integration in UNOCI would restore calm in Abidjan and reassure the people of the formal impartiality of the forces deployed in Côte d'Ivoire under the United Nations mandate.

I should also like to take this opportunity to draw your attention once again to the need to initiate, with determination and without delay, the process of disarmament, demobilization and reintegration of former combatants in order to allow the continuation, in a calm political and social environment, of the adoption of the legislative and regulatory texts called for in the Linas-Marcoussis and Accra III Agreements.

It must be stressed in that connection that four of the texts awaiting adoption have not yet been submitted to the Government for its consideration by the Ministers of Communications, Justice and the Interior, two of them members of new political forces. I am referring to the texts on the media, nationality, identification, and the membership of the independent electoral commission.

Lastly, your formal support for the proposal to submit the suggested amendment to article 35 of the Constitution to a referendum would maintain the constitutionality of the amendment by taking advantage of the opportunity offered by the process of disarmament, demobilization and reintegration, which should be started as soon as possible once all the conditions have been met.

I shall be grateful for any steps which you may see fit to take to have this letter issued as a document of the Security Council.

(*Signed*) Philippe **Djangoné-Bi**
Ambassador
Permanent Representative

United Nations A/59/575–S/2004/911

General Assembly
Security Council

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18 November 2004

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General Assembly
Fifty-ninth session
Agenda item 36
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 18 November 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon from 12 October until 11 November 2004, inclusive.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including air, sea and land, and intervene against the principles of international law, the resolutions of international legitimacy, and the repeated calls of the United Nations for their cessation.

In view of these violations and the stepping-up of Israeli threats against Lebanon and the safety of its territory and its citizens, Lebanon relies upon the United Nations to deter and prevent Israel from indulging in such dangerous acts, which constitute a threat to international security and peace. Lebanon holds Israel fully responsible for any consequences to which those acts may lead.

In drawing your attention to the grave consequences of such acts, I request to have this letter of complaint and its annex circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Sami **Kronfol**
Ambassador
Permanent Representative

04-61527 (E) 191104

Annex to the letter dated 18 November 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Israeli violations

12 October 2004

Between 1030 and 1110 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

13 October 2004

Between 2020 and 2040 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired two flare shells on the open sea.

14 October 2004

At 1700 hours, Israeli occupation forces, positioned in Tallet ElRadar inside Chebaa farms, raked the surroundings of this position by medium machine-gun fire.

15 October 2004

Between 0300 and 0600 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell and several bursts of medium machine-gun fire on the open sea.

At 1610 hours, Israeli occupation forces, positioned in Tallet ElRadar inside Chebaa farms, raked the surroundings of this position by medium machine-gun fire.

At 1949 hours, Israeli forces fired a flare shell over Kfarkila village inside Lebanese territory.

16 October 2004

At 0830 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire, and at 2203 hours fired a flare shell on the open sea.

19 October 2004

At 2044 hours, an Israeli an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell on the open sea.

20 October 2004

Between 1710 and 2115 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell and several bursts of medium machine-gun fire on the open sea.

21 October 2004

At 0605 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

22 October 2004

Between 2130 and 2135 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired three flare shells on the open sea.

23 October 2004

Between 0320 and 0530 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell and several bursts of medium machine-gun fire, and at 2039 hours fired several bursts of medium machine-gun fire on the open sea.

24 October 2004

At 0420 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired two flare shells on the open sea.

Between 1320 and 1640 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude and entered from above the sea facing Saida, headed to ElChouf, West Bekaa, and circled over Anjar region.

Between 1430 and 2015 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude and entered from above the sea facing Tyre, headed to Marake, Qana, and Nabatieh, and circled over Nabatieh and Tyre.

Between 1830 and 1900 hours, Israeli helicopters violated Lebanese airspace at a medium altitude over Chebaa farms.

Between 2022 and 2325 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude and entered from above the sea facing Tyre, headed to Nabatieh, and circled in the region.

26 October 2004

At 1155 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

27 October 2004

Between 0110 and 0250 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Saida, and circled over Saida and Khalde.

At 1700 hours, Israeli occupation forces positioned in Fachkol inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

At 1925 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell and several bursts of medium machine-gun fire on the open sea.

28 October 2004

At 0444 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

Between 2000 and 2030 hours, two Israeli helicopters violated Lebanese airspace at a medium altitude and flew over the Lebanese border facing Meis-ElJabal village.

Between 2140 and 2210 hours, two Israeli helicopters violated Lebanese airspace at a medium altitude and flew over Chebaa farms.

29 October 2004

Between 0800 and 1045 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

31 October 2004

Between 1440 and 1952 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude and entered from above the sea facing Tyre, headed east, and circled between Zahrani and Tyre.

Between 1500 and 2105 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Zahrani, headed to Naameh, turned back south, and left from above Naqoura.

Between 1937 and 2300 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre, headed east, and circled between Damour, Zahrani and Tyre.

31 October-1 November 2004

Between 2200 and 0214 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre, circled over Tyre, Qana and Aadloun, headed north to Damour, Sadiyate, and Beirut, then turned back to South Lebanon, and circled over Saida and Damour.

3 November 2004

At 1530 hours, Israeli occupation forces positioned in ElRadar inside Chebaa farms fired several bursts of medium machine-gun fire at the surroundings of this position.

At 1845 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired a flare shell on the open sea.

4 November 2004

At 0844 hours, an Israeli gunboat in Lebanese territorial waters off Ras-Naqoura fired several bursts of medium machine-gun fire on the open sea.

Between 1040 and 1107 hours, four Israeli warplanes violated Lebanese airspace at different altitudes and entered from above ElKhiam village. Two warplanes headed north to Chekaa and left Lebanese airspace at 1102 hours, and two warplanes circled over Iqlim ElKharoub and Jounieh and left Lebanese airspace at 1107 hours.

Between 1042 and 1120 hours, two Israeli warplanes violated Lebanese airspace at different altitudes and entered from above the sea facing Sarafand, headed east, and circled over Nabatieh and Saida.

Between 1042 and 1620 hours, two Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above Rmaiche village, and circled over Bent Jbeil, Kfarchouba, Aitaroun, and Ghazieh. One aircraft left at 1445 hours from above Naqoura, and the second left at 1620 hours from above Kfarchouba.

Between 1050 and 1245 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, circled over Kfarchouba, and left from above Kfarkila village.

Between 1132 and 1150 hours, two Israeli warplanes violated Lebanese airspace at different altitudes and entered from above the sea facing Saida, headed east, and left from above Meis-ElJabal village.

Between 1140 and 1143 hours, two Israeli warplanes violated Lebanese airspace at different altitudes, entered from above the sea facing Saida, and left from above Alma AlChaab village.

Between 2020 and 2330 hours, an Israeli drone aircraft violated Lebanese airspace and entered from above the sea facing Tyre, headed north to Damour, turned back south, and left from above Naqoura village.

7 November 2004

Between 1455 and 1907 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above Tyre, and circled over Tyre, Qana, Marake and Nabatieh.

Between 1505 and 1815 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above Saida, headed to Damour, and circled over Saida and Damour.

Between 1845 and 2345 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above Tyre, and circled over Tyre.

Between 1855 and 0210 (8 November), an Israeli drone aircraft violated Lebanese airspace at a medium altitude and entered from above Tyre.

9 November 2004

Between 0828 and 0900 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre, and circled over Tyre.

Between 2210 and 0100 hours (10 November), an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Tyre, flew in a circular motion over Tyre, headed to Damour, and circled over Damour.

11 November 2004

Between 0025 and 0230 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Saida, headed to Damour, and circled over Naemeh and Damour.

Between 1550 and 1710 hours, an Israeli drone aircraft violated Lebanese airspace at a medium altitude, entered from above the sea facing Saida, and circled over Saida and Tyre.

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Security Council

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19 November 2004

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Letter dated 11 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the report of the Secretary-General on the Sudan, issued on 11 November 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Kingdom
of the Netherlands to the United Nations

04-61625 (E) 221104

Annex to the letter dated 11 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the report of the Secretary-General on the Sudan, issued on 11 November 2004 by the Presidency on behalf of the European Union

The European Union shares the assessment on the Sudan set out in the report of the Secretary-General, as called for in Security Council resolutions 1556 (2004) and 1564 (2004).

The European Union is deeply concerned about the findings of the Secretary-General on the deteriorating security and humanitarian situation.

The European Union joins the United Nations in welcoming the progress made in the north-south peace process and the deployment of the expanded African Union force in Darfur. The European Union urges all parties to the Darfur conflict to cooperate fully with the African Union to ensure a secure and stable environment. The European Union will continue to provide the African Union with full support for its mission in Darfur.

The European Union welcomes the progress achieved at the peace talks in Abuja. The signing of the humanitarian and security protocol is an important step forward in reaching a sustainable solution for the crisis in Darfur. We urge all parties to keep this momentum and to reach a political solution to the conflict in the Sudan as a matter of immediate priority.

The European Union recognizes the need for continued humanitarian assistance and will sustain its contributions in support of those affected by the conflict in Darfur, Sudan.

The European Union recalls the European Council of 4 and 5 November 2004 and its earlier Council conclusions, as well as Security Council resolutions 1556 (2004) and 1564 (2004), and confirms its full commitment to contribute to peace and reconciliation processes in the Sudan as a matter of great priority. In this regard, the European Union does not exclude the use of sanctions against all parties to the conflict.

The candidate countries Bulgaria, Romania and Croatia,[a] the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

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[a] Croatia continues to be part of the Stabilization and Association Process.

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Agenda items 56 (n) and 163

Security Council
Fifty-ninth year

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization for Security and Cooperation in Europe

The situation in the occupied territories of Azerbaijan

Letter dated 18 November 2004 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith information regarding the situation in and around the Nagorno Karabagh conflict and increased war-mongering from Azerbaijani leadership creating obstacles for negotiations towards peaceful resolution of this conflict.

I should be grateful if the present letter and its annex could be distributed urgently as a document of the General Assembly, under items 56 (n) and 163, and of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

04-61652 (E) 221104

Annex to the letter dated 18 November 2004 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Azerbaijani warmongering - yesterday and today

Since the outbreak of the Karabagh conflict Azerbaijan has always reverted to the use of force instead of trying to address the issue peacefully. Even after the establishment of the ceasefire in 1994 and throughout the negotiating process of this decade the Azerbaijani rhetoric of the use of force and hate-mongering statements against the Armenians of Karabagh and Armenia continued unabated. Unfortunately, it has intensified in recent years. Azerbaijan has not committed itself to the negotiation process, rejecting all the proposals presented during recent years by the Minsk Group Co-Chairmen. These excerpts from their rhetorical speeches below are further examples of their unwillingness to engage in the search for peaceful resolution of the Nagorno Karabagh conflict and to open up parallel processes to gain time for their military aspirations.

- President Ilham Aliyev has repeatedly told his nation that Azerbaijan could launch a new war in Karabagh: "At any moment we must be able to liberate our territories by military means. To achieve this we have everything." Aliyev predicts that Azerbaijan will soon become an economically strong State, while its military "superiority" will increase further. "Under these circumstances we cannot react positively to those calling us to compromise" (source: *Zerkalo*, 23 July 2004). Azerbaijan has been increasing its military spending to more than $217 million (source: International Institute for Strategic Studies *The Military Balance*) and buying more tanks, artillery and aircraft (source: United Nations Register of Conventional Arms). Aliyev warned that unless Armenians capitulate "we will all smash the heads of the Armenians" (source: Turan, via BBC Monitoring, 27 October 2000).

- Azerbaijani Defence Ministry spokesman Colonel Ramiz Melikov: "In the next 25-30 years there will be no Armenian state in the South Caucasus. This nation has been a nuisance for its neighbours and has no right to live in this region. Present-day Armenia was built on historical Azerbaijani lands. I believe that in 25 to 30 years these territories will once again come under Azerbaijan's jurisdiction" (source: *Zerkalo*, 4 August 2004). Following the brutal murder of an Armenian soldier at North Atlantic Treaty Organization (NATO) English language courses in Hungary last February, Melikov qualified the confessed murderer Azerbaijani soldier Ramil Safarov as a "talented and disciplined officer". Melikov added that, "as an Azeri, I understand and support Safarov's actions". Melikov did not exclude similar attacks on Armenians in the future (source: Regnum, 25 February 2004).

- Azerbaijan's Ambassador to the Council of Europe Agshin Mekhtiyev warned of more attacks on individual Armenians, adding that he "would not advise Armenians to sleep easy in their beds". (source: *Zerkalo*, 24 February 2004) Parliament member and former Heydar Aliyev bodyguard Siyavush Novruzov told Terry Davis, envoy of the Parliamentary Assembly of the Council of Europe, that "similar incidents" could occur in PACE as well, unless the Karabagh conflict is settled in Baku's favour (source: Ekho, 27 February

2004). Azerbaijan's Human Rights Ombudsman Elmira Suleimanova said that Safarov should serve as "an example for Azerbaijani youth" (source: Zerkalo, 28 February 2004).

- The Azerbaijani Ministry of National Security has publicly and, according to media reports, clandestinely sponsored rhetoric and activities directed against Karabagh peace efforts. In 2004, this successor to the Soviet-era KGB held a public competition for the "best" films and books targeting Armenians, with Minister Namik Abbasov giving financial awards of up to $2,000 to the winners (source: www.azertag.com, 26 March 2004) Azeri officials have condemned track II peace-building contacts with Armenians, and groups linked to the Ministry of National Security have attacked Azeri peace activists (sources: Azerbaijan News Service (ANS), via BBC Monitoring, 3 November 2001, 16 April 2002; 525ci Gazet, 11 May 2002; Zerkalo, via BBC Monitoring, 30 April 2003; Institute for War and Peace Reporting Caucasus Report, 1 May 2003.

- Heydar Aliyev's National Security Adviser Vafa Gulizade demanded that "Armenians should be driven out of Azerbaijan forever". Unless Azerbaijan fights and drives all Armenians out, Gulizade believes that "Armenians would [eventually] buy up real estate in Baku ... They will try to take Azerbaijan into their hands in this way" (source: Azadlyq, via BBC Monitoring, 10 October 2001. "The entire Armenian population of Nagorno Karabagh should be moved from there ... This problem will not be resolved as long as Armenians are in Nagorno Karabagh" (source: Yeni Azerbaycan, via BBC Monitoring, 14 November 2001). "If they want autonomy on our land, let us have autonomy in Zangazur and Goyca [southern and eastern Armenia] which will enable Azerbaijan to reach Turkey by land" (source: ANS via BBC Monitoring, 6 April 2002).

- Azerbaijani member of Parliament from the ruling Yeni Azerbaycan Party, Asia Manafova: "Our people must repay the debt it owes to [the late President] Heydar Aliyev and free Karabagh from Armenian occupiers. To achieve this goal we are ready to follow the example of Chechen patriots and undertake acts of suicide bombing". Manafova called on other Parliament members to also become suicide bombers (source: www.regnum.ru, 15 December 2003. The pro-government ANS has been the most active Azeri television channel opposing any contacts with Armenians and arguing for war, suggesting, among other things, to recruit suicide bombers from among thousands of orphaned and homeless children in Azerbaijan (source: ANS, via BBC Monitoring, 13 October 2002).

- Azerbaijani Defence Minister General Safar Abiyev says that occasional violations of the 1994 ceasefire are "natural" since Azerbaijan is still "at war" (source: Sarg, via BBC Monitoring, 14 August 2003). Abiyev makes claims on Armenia's territory: "Armenia must always remember that what Azerbaijan accepted yesterday will not be accepted today and tomorrow. Azerbaijan will not want to have a separated State — meaning Nakhichevan, cut from the mainland Azerbaijan. This issue will be raised tomorrow" (source: Ekho, 16 May 2003). Asked if the Azeri army is ready "to go to Yerevan", Abiyev answers: "We can go even farther" (source: ANS, via BBC Monitoring, 22 March 2002). Abiyev claims that "The Armenian State was created on occupied Azeri lands with the area of 29,000 square kilometres" (source: www.ans.az, 7 December 2001).

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Security Council

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19 November 2004

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Letter dated 15 November 2004 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1566 (2004), I have the honour to convey the attached report on the steps taken to make the Counter-Terrorism Committee Executive Directorate fully operational.

I should be grateful if this report could be brought to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-61809 (E) 221104

Annex

Steps taken to make the Counter-Terrorism Committee Executive Directorate fully operational

Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraph 11 of Security Council resolution 1566 (2004) of 8 October 2004, in which the Council requested the Secretary-General to take, as a matter of urgency, appropriate steps to make the Counter-Terrorism Committee Executive Directorate fully operational and to inform the Council by 15 November 2004.

1. On 28 September 2001, acting under Chapter VII of the United Nations Charter (concerning threats to international peace and security), the Security Council adopted resolution 1373 (2001), by which it reaffirmed its unequivocal condemnation of the terrorist attacks which took place in New York, Washington, D.C. and Pennsylvania on 11 September 2001, and expressed its determination to prevent all such acts.

2. By the same resolution, the Council established the Counter-Terrorism Committee, made up of all 15 members of the Security Council. The Committee monitors the implementation of resolution 1373 (2001) by all States and tries to increase the capability of States to fight terrorism.

3. The Counter-Terrorism Committee has since evolved to assume a more proactive role in the dialogue with Member States, evaluating the implementation of resolution 1373 (2001), facilitating technical assistance to Member States and promoting closer cooperation and coordination with international, regional and subregional organizations.

4. By its resolution 1535 (2004) of 20 March 2004, the Security Council, inter alia, endorsed the report on the revitalization of the work of the Counter-Terrorism Committee (S/2004/124, annex), and decided that the revitalized Committee would be assisted by the Counter-Terrorism Committee Executive Directorate, established under the terms of the same resolution as a special political mission.

5. On 18 June 2004, the Secretary-General appointed Javier Rupérez as the Executive Director of the Executive Directorate at the Assistant Secretary-General level. The organizational plan for the Executive Directorate (see S/2004/642, annex II), presented by the Secretary-General to the Counter-Terrorism Committee, was subsequently endorsed by the Committee (see S/2004/642, annex I) and by the Security Council (see S/2004/642). In addition, administrative arrangements were put in place to facilitate the recruitment of four support personnel for the Executive Directorate. Until the Executive Directorate is deemed operational, it continues to function within the budget for the Department of Political Affairs and with the support of the Executive Office of the Department.

6. The Counter-Terrorism Committee Executive Directorate prepared budgets for 2004 and 2005, which were submitted to the Department of Management on 10 and 28 September 2004, respectively. The proposal for the period from July to December 2004 in the amount of $617,700 included funding for three posts of Professional and above and two General Service posts. Funds in that amount were allocated to the Executive Directorate, within the budget for the Department of Political Affairs, late in October. The budget proposal for 2005 in the amount of $7,747,710, currently under review in the Office of Programme Planning Budget and Accounts, provides for 27 Professional and 7 General Service posts.

7. The requirements for the Executive Directorate for 2004 are being met through the redeployment of resources appropriated under section 3, Political affairs, of the programme budget for the biennium 2004-2005 to support the Counter-Terrorism Committee. As regards the requirements for 2005, the budget proposals of the Executive Directorate for 2005 will be presented to the General Assembly during the first part of its fifty-ninth session, together with those of all other special political missions.

8. To expedite the recruitment process, the Executive Directorate, on 11 October 2004, submitted detailed job descriptions for 33 posts to the Office of Human Resources Management for classification. The initial review of the classifiable category of grade level for the proposed posts has now been completed and the Office of Human Resources Management is currently working with the Executive Directorate to prepare the vacancy notices for evaluation by the relevant review bodies. Once the budgetary appropriation has been approved, the classification advice will be formalized. Meanwhile, vacancy announcements will be issued noting that appointment is subject to the approval of funding.

9. The Executive Directorate approached the Office of Human Resources Management for assistance in expediting the recruitment process with the objective of establishing a roster of suitably qualified, pre-selected personnel as quickly as possible. The Executive Directorate is ready to alert all 191 Member States that vacancy announcements for specialists in areas that include legislative drafting, financial law enforcement, extradition law, customs and border control, technical assistance and administrative support will be posted on the Galaxy System.

10. Other steps taken to make the Executive Directorate operational include the initiation by the Executive Director of contacts with international organizations of primary relevance to its future work, such as the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe, the African Union, the European Union, the North Atlantic Treaty Organization, the World Customs Organization, the United Nations Office on Drugs and Crime and the International Atomic Energy Agency.

11. At the same time, the Executive Director has been invited to participate in various forums, which have provided the opportunity to discuss the efforts of the United Nations in the countering of terrorism and which have helped to put the organization at the centre of the initiatives put forward by the international community.

12. The world expects the United Nations to exercise leadership in the global campaign against terrorism and the Secretary-General, with the support of the Member States and in particular with the support of the members of the Counter-Terrorism Committee and of the various departments of the Secretariat, will ensure that the Counter-Terrorism Committee Executive Directorate is fully operational and ready to respond to the wishes of the international community by January 2005.

United Nations S/2004/915

Security Council

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19 November 2004

Original: English

Letter dated 19 November 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a letter dated 17 November 2004 from the Secretary-General of the North Atlantic Treaty Organization, Mr. Jaap de Hoop Scheffer, to the High Representative of the European Union, Mr. Javier Solana (see annex).

It would be appreciated if the present letter and its annex could be distributed as a document of the Security Council.

(*Signed*) Wolfgang **Trautwein**
Chargé d'affaires a.i.

04-61776 (E) 191104

Annex to the letter dated 19 November 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council

Letter dated 17 November 2004 from the Secretary-General of the North Atlantic Treaty Organization to the High Representative of the European Union

I welcome progress on planning for the North Atlantic Treaty Organization (NATO) presence and the European Union (EU) military operation in Bosnia. I am writing to confirm how the Alliance intends to contribute, based on the decisions NATO has taken and the extensive contacts with EU.

We are agreed that NATO and EU will both have access to the full authorities under Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina. I confirm that NATO will act on the basis of the June 2004 Istanbul Summit communiqué, and other NATO decisions I have communicated to you. Accordingly, the principal task of NATO headquarters Sarajevo will be to undertake advice in defence reform, in particular coordination of potential Partnership for Peace programme-related activities. In close coordination with the envisaged European Union Force (EUFOR) mission, NATO headquarters Sarajevo will also undertake certain operational supporting tasks: counter-terrorism while ensuring force protection; support to the International Criminal Tribunal for the Former Yugoslavia with regard to the detention of persons indicted for war crimes; and intelligence-sharing with EU, NATO, acting through its Senior Military Representative will exercise its authorities only when necessary to fulfil its tasks, including for force protection. NATO headquarters Sarajevo will also assess progress towards the fulfilment of the objectives mentioned in Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina that are relevant to the tasks mentioned above. A copy of the relevant extract of the Istanbul communiqué is attached (see enclosure).

It is my understanding that EUFOR will act on the basis of Council Joint Action 11226/1/04 of 12 July 2004, and other EU decisions that you have communicated to me. It is understood by NATO, therefore, that the envisaged EUFOR mission will have full authority, exercised through its Force Commander, to fulfil the roles specified in Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina and to monitor implementation of the military aspects of the Framework Agreement and to assess, and address, non-compliance by the parties. NATO welcomes the fact that EUFOR will thus have the main peace stabilization role under Dayton.

We have agreed that it will be the responsibility of the Deputy Supreme Allied Command Europe, who has been designated as the EUFOR Operation Commander, to ensure the effective implementation of the delineation arrangements between NATO and EU operational tasks in Bosnia and Herzegovina.

Both NATO headquarters and EUFOR will be legal successors to the Stabilization Force (SFOR) for the fulfilment of their missions. To the extent that there may be existing or future liabilities relating to the SFOR mission or the EUFOR mission, these will be the subject of separate NATO and EU technical discussions: NATO should continue to be held responsible for any liabilities

incurred by SFOR, and NATO should not be held responsible for liabilities incurred by EUFOR.

As agreed, a copy of this letter has been sent to the President of the Security Council.

(*Signed*) **Jaap de Hoop Scheffer**

Enclosure

Extract from the Istanbul Summit communiqué, issued by the Heads of State and Government participating in the meeting of the North Atlantic Council held in Istanbul on 28 June 2004

8. As the security situation in Bosnia and Herzegovina has evolved positively, we have decided to conclude the Alliance's successful Stabilization Force operation by the end of this year. We welcome the readiness of the European Union to deploy a new and distinct United Nations-mandated robust Chapter VII mission in the country, based on the Berlin arrangements agreed between our two organizations, and look forward to continued close cooperation. The long-term political commitment of NATO to Bosnia and Herzegovina remains unchanged and the establishment of a NATO headquarters will constitute the residual military presence of NATO in the country. NATO headquarters Sarajevo, which has the principal task of providing advice on defence reform, will also undertake certain operational supporting tasks, such as counter-terrorism while ensuring force protection; supporting the International Criminal Tribunal for the Former Yugoslavia, within means and capabilities, with regard to the detention of persons indicted for war crimes; and intelligence-sharing with the European Union. The Dayton/Paris Accords remain in force as the basis for peace and stability in Bosnia and Herzegovina.

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Security Council

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19 November 2004

Original: English

Letter dated 19 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the text of a letter dated 18 November 2004 from the High Representative of the European Union (EU), Mr. Javier Solana, to the Secretary-General of the North Atlantic Treaty Organization (NATO), Mr. Jaap de Hoop Scheffer, on the respective roles of NATO and EU after the transition from the Stabilization Force operation in Bosnia and Herzegovina to Operation ALTHEA (see annex).

It would be appreciated if the present letter and its annex could be distributed as a document of the Security Council.

(*Signed*) Dirk Jan **van den Berg**
Ambassador
Permanent Representative

04-61770 (E) 191104

Annex to the letter dated 19 November 2004 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

Letter dated 18 November 2004 from the High Representative of the European Union to the Secretary-General of the North Atlantic Treaty Organization

I welcome progress on planning for the European Union (EU) military operation and the North Atlantic Treaty Organization (NATO) presence in Bosnia. I am writing to confirm how EU intends to contribute, based on the decisions that the Union has taken and the extensive contacts with NATO.

We are agreed that EU and NATO will both have access to the full authorities under Annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina. I confirm that the European Union Force (EUFOR) will act on the basis of Council Joint Action 2004/570/CFSP of 12 July 2004 and other EU decisions I have communicated to you. EUFOR will provide a robust military presence in order to: deter the former Entity Armed Forces and other armed groups; monitor and ensure continued compliance with the military aspects of the Framework Agreement; and prevent a resumption of violence. EUFOR will have full authority, exercised through its Force Commander, to fulfil the role specified in Annexes 1-A and 2 of the Framework Agreement, and to monitor implementation of military aspects of the Framework Agreement, and to assess and address non-compliance by the parties. EUFOR will thus have the main peace stabilization role under the Framework Agreement.

EUFOR will also provide support, within means and capabilities, in coordination with EU and international community actors, to the core tasks of the Mission Implementation Plan of the Office of the High Representative and other civil implementation organizations regarding counter-terrorism, the fight against organized crime, returns of displaced persons and refugees, the rule of law and implementation of other civilian aspects of the Framework Agreement. EUFOR will also provide support to the International Criminal Tribunal for the Former Yugoslavia and relevant authorities, including the detention of persons indicted for war crimes.

It is my understanding that the NATO presence will act on the basis of the June 2004 Istanbul Summit communiqué and of other NATO decisions that you have communicated to me, and, acting through its Senior Military Representative, will exercise its authorities only when necessary to fulfil its tasks, including for force protection.

We have agreed that it will be the responsibility of the Deputy Supreme Allied Command Europe, who has been designated as the EUFOR Operation Commander, to ensure the effective implementation of the delineation arrangements between NATO and EU operational tasks in Bosnia and Herzegovina.

Both NATO headquarters Sarajevo and EUFOR will be legal successors to the Stabilization Force (SFOR) for the fulfilment of their missions. To the extent that there may be existing or future liabilities relating to the SFOR mission or the EUFOR mission, these will be the subject of separate NATO and EU technical discussions: EUFOR should not be held responsible for liabilities incurred by SFOR and NATO should not be held responsible for liabilities incurred by EUFOR.

As agreed, a copy of the present letter is sent to the President of the Security Council.

(*Signed*) Javier **Solana**

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Security Council

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Letter dated 19 November 2004 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith the letter dated 10 November 2004 from Borislav Paravac, Chairman of the Presidency of Bosnia and Herzegovina.

I should be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mirza **Kusljugic**
Ambassador
Permanent Representative of Bosnia and Herzegovina
to the United Nations

04-61790 (E) 191104

Annex to the letter dated 19 November 2004 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council

In direct conversations with the highest European Union (EU) and North Atlantic Treaty Organization (NATO) representatives during 2004, and in the letter of 13 October 2004 addressed to the United Nations Security Council President, the Presidency of Bosnia and Herzegovina expressed its position on and support of the transfer from the NATO Stabilization Force (SFOR) to the EU-led mission (EUFOR) as well as to the continuation of NATO presence in Bosnia and Herzegovina (NATO Headquarters in Sarajevo).

In regard to the status of the EU-led mission (EUFOR) and the continuation of the NATO presence in Bosnia and Herzegovina (NATO Headquarters in Sarajevo), the Presidency of Bosnia and Herzegovina fully agrees to the same competencies, rights, immunity, privileges and capacities as the ones that used to be applied to SFOR and during the NATO presence, the same way to be applied to EUFOR, as set forth in the General Framework Agreement for Peace in Bosnia and Herzegovina (annex 1-A and annex 2) and in the respective Security Council resolutions (1031 (1995), 1088 (1996) and 1551 (2004)). This means that the Presidency of Bosnia and Herzegovina fully accepts EUFOR and NATO as the legal successors of the NATO-SFOR mission and mandate.

In accordance with the NATO Istanbul summit recommendations and agreements reached with the NATO and EU representatives, the future missions (EUFOR and NATO) will be offered our unreserved support and cooperation on a partnership basis.

We are confident that the future EUFOR and NATO missions will significantly improve the results in defence and security sector reform in Bosnia and Herzegovina, provide the prerequisites and conditions for Bosnia and Herzegovina's joining the Partnership for Peace and prepare the local institutions and forces for taking on the responsibility for these issues.

Finally, we believe that the Presidency of Bosnia and Herzegovina will be consulted and regularly informed on the duration of the EUFOR and NATO missions in Bosnia and Herzegovina.